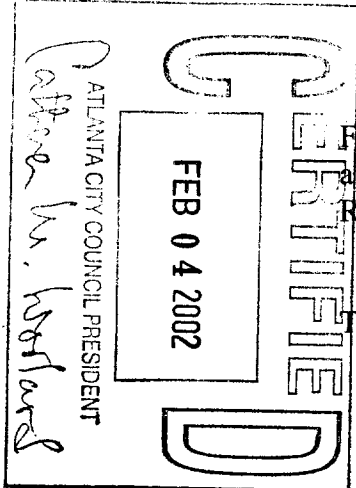


Entered - 01/11/02 - sb  
CL02L0006 - DIANNE C. MITCHELL


CLAIM OF: **TRISTAR OF AMERICA, INC.,**  
through its attorney,  
**Alfred A. Malena, Jr.**  
**3295 River Exchange Drive**  
**Suite 300**  
**Norcross, Georgia 30092**

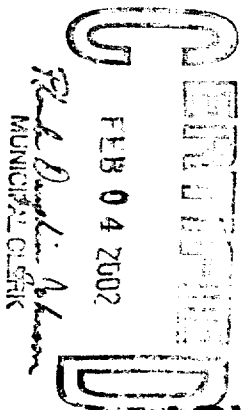
**02-R -0123**



For damages alleged to have been sustained as a result of not being awarded a contract for the Carver Homes Phase IV Remediation/Demolition project.

THIS ADVERSED REPORT IS APPROVED

BY:   
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**



ADVERSED BY CITY COUNCIL FEB 04 2002

## ADVERSE REPORT

COMM: Public Safety

DATE: JAN 29 2002

CHAIR: Carla Santoro

Carla Santoro

Carla Santoro

Carla Santoro

Carla Santoro

Carla Santoro

Carla Santoro

Carla Santoro



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 13, 2002

Alfred A. Malena, Jr.  
Attorney at Law  
3295 River Exchange Dr.  
Suite 300  
Norcross, Georgia 30092

02-R-0123

RE: Tristar of America, Inc.

Dear Attorney Malena:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0006

Date: January 17, 2002

Claimant /Victim TRISTAR OF AMERICA, INC.  
BY: (Atty) Alfred A. Malena, Jr.  
Address: 3295 River Exchange Drive, Suite 300, Norcross, Georgia 30092  
Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$             
Date of Notice: 12/26/01 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence Not Stated Place: Carver Homes  
Department                                  Division:                                   
Employee involved                                  Disciplinary Action:                                 

NATURE OF CLAIM: The claimant alleges that it was not awarded the contract for the Carver Homes Phase IV Remediation/Demolition project even though it was the lowest bidder. Carver Homes is owned and operated by the Atlanta Housing Authority, which is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised of this fact and referred to the Atlanta Housing Authority.

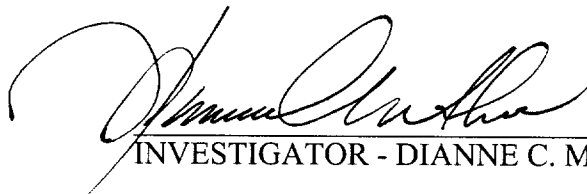
### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report            Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

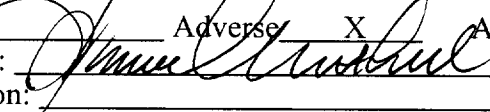
### BASIS OF RECOMMENDATION:

Function: Governmental                                  Ministerial                                   
Improper Notice            More than Six Months            Other            Damages reasonable             
City not involved X Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.                                  Repair/replacement by City Forces                                   
Claimant Negligent                                  City Negligent                                  Joint                                  Claim Abandoned                                 

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 01-17-02  
Committee Action:                                  Council Action

RCS# 3449  
2/04/02  
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;  
02-R-0005;02-O-0006;02-R-0193;02-R-0105  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0105  
02-R-0193

CORRECTED COPY

CONSENT I

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**02/04/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON  
CONSENT AGENDA**

15. 02-R-0117
  16. 02-R-0118
  17. 02-R-0119
  18. 02-R-0120
  19. 02-R-0121
  20. 02-R-0122
  21. 02-R-0123
  22. 02-R-0124
  23. 02-R-0125
  24. 02-R-0126
  25. 02-R-0127
  26. 02-R-0128
  27. 02-R-0129
  28. 02-R-0130
  29. 02-R-0131
  30. 02-R-0132
  31. 02-R-0133
  32. 02-R-0134
  33. 02-R-0135
  34. 02-R-0136
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